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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,457	06/05/2001	Stephen C. O'Neal	MSFT4947.2	5814

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SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS, MO 63102

EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/874,457

Applicant(s)

O'NEAL, STEPHEN C.

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment A, 7/16/03.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 42-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 42-48, 50-55, 57-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Goldberg et al.** (US 2002/0001371) in view of **Bartholomew et al.** (US 6,215,858).

As to Claim 42, with respect to Figures 1-3, **Goldberg** teaches an apparatus for permitting a user to send a broadcast message to a first recipient and a second recipient, the first recipient having a computer (first receiving device) addressable over a data network and the second recipient having a telephone (second receiving device) addressable over a telephone network connected to the data network, the apparatus comprising:

a message router, 140, configured to receive the broadcast message and configured to translate the received broadcast message into an e-mail (translated first broadcast message) and a facsimile (translated second broadcast message), the translated first broadcast message being in a data format for delivery to the first receiving device over the data network, the translated second broadcast message being in a telephonic format, different from the data format, for delivery to the second receiving device over the telephone network via the data network, the message router

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configured for routing the translated first broadcast message to the first receiving device over the data network and (Figure 3 and Col. 4, lines 1-13);

**Goldberg** does not teach the following limitations:

“a telephone network connected to the data network” and “configured for routing the translated second broadcast message to the second receiving device over the telephone network via the data network”

However, it is obvious that **Goldberg** suggests the limitations. This is because **Goldberg** teaches that the network could be an integrated services network (Col. 4, P0030). **Bartholomew** teaches an integrated network which delivers facsimiles via a data network (Col. 38, lines 1-10 and 23-42). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add network capability to **Goldberg's** invention for delivering messages as taught by **Bartholomew's** invention in order to provide integrated network message delivery services.

As to Claim 43, **Goldberg** teaches the apparatus as recited in claim 42, wherein the broadcast message is originated in voice form (Col. 1, P0012).

As to Claim 44, **Goldberg** teaches the apparatus as recited in claim 43, wherein the first receiving device is a computer having an IP address, the IP address corresponding to the first recipient (Col. 4, lines 1-13).

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As to Claim 45, **Goldberg** teaches the apparatus as recited in claim 43, wherein the translated first broadcast message is delivered to the first recipient in text format as an email, or as a fax, or as a text file (Col. 4, lines 1-13).

As to Claim 46, **Goldberg** teaches the apparatus as recited in claim 43, wherein the translated first broadcast message is delivered to the first recipient in voice format as an electronic voice file (Col. 2, P0014).

As to Claim 47, **Goldberg** teaches the apparatus as recited in claim 43, wherein the second receiving device is a telephone and wherein the translated second broadcast message is delivered to the second recipient in voice format as an electronic voice file (Col. 2, P0014).

As to Claim 48, **Goldberg** teaches the apparatus as recited in claim 43, wherein the second receiving device is a facsimile machine and wherein the translated second broadcast message is delivered to the second recipient in text format as a facsimile (Col. 3, P0030).

As to Claims 50-55, **Goldberg** teaches the apparatus as recited in claim 42, wherein the broadcast message is originated in text form (Col. 4, P0031).

As to Claims 57-59, **Goldberg** teaches the apparatus as recited in claim 42, wherein the message router selects the data format and the telephonic format for delivery according to receiving capabilities of the first and second receiving devices (Col. 4, P0030).

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As to Claims 60-69, **Goldberg** teaches a method for permitting a user to send a broadcast message to a first recipient and a second recipient, the first recipient having a first receiving device addressable over a data network and the second recipient having a second receiving device addressable over a telephone network connected to the data network, the method comprising:

receiving the broadcast message;

translating the received broadcast message into a translated first broadcast message and a translated second broadcast message, the translated first broadcast message being in a data format for delivery to the first receiving device over the data network, the translated second broadcast message being in a telephonic format, different from the data format, for delivery to the second receiving device over the telephone network via the data network;

routing the translated first broadcast message to the first receiving device over the data network; and

**Goldberg** does not teach the following limitations:

“a telephone network connected to the data network” and “routing the translated second broadcast message to the second receiving device over the telephone network via the data network”

However, it is obvious that **Goldberg** suggests the limitations. This is because **Goldberg** teaches that the network could be an integrated services network (Col. 4, P0030). **Bartholomew** teaches an integrated network which delivers facsimiles via a data network (Col. 38, lines 1-10 and 23-42). Having the cited art at the time the invention was made, it would have been obvious

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to one of ordinary skill in the art to add network capability to **Goldberg's** invention for delivering messages as taught by **Bartholomew's** invention in order to provide integrated network message delivery services.

3. Claims 49,56 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Goldberg** in view of **LaPorta et al.** (US 6,014,429).

As to Claims 49,56, **Goldberg** teaches the apparatus as recited in claim 43, and wherein the translated second broadcast message is delivered to the second recipient in text format;

**Goldberg** does not teach the following limitation:

“wherein the second receiving device is a pager”

However, it is obvious that **Goldberg** suggests the limitations. This is because **Goldberg** teaches that message delivery could be in written form (Col. 4, P0030). **LaPorta** teaches an integrated network which delivers messages to pagers (Figure 3, label 57a). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add pager capability to **Goldberg's** invention for delivering messages as taught by **LaPorta's** invention in order to provide integrated network message delivery services.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 42-69 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Jones** (US 5,802,510) teaches a directory system which delivers messages to recipient devices based on stored attributes.

**Dowens et al.** (US 6,389,114) teach a relay network which delivers messages to pagers.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231



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**or faxed to:**

(703) 872-9314, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 306-0377 (for customer service assistance)

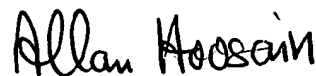
Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The  
examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 305-3900.



**Allan Hoosain**  
**Primary Examiner**  
**10/14/03**